

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

AMANDA CHARCHIAN, an individual,  
Plaintiff,

-against-

AVENUE MONTAIGNE, INC., a Delaware  
Corporation; AUTEUR, INC., a Swiss Corporation;  
and DOES 1-10,

Defendants.

23-CV-6945 (JGLC)

**NOTICE TO  
DEFENDANT**

JESSICA G. L. CLARKE, United States District Judge:

**A Lawsuit Has Been Filed Against You**

Plaintiff Amanda Charchian has started a lawsuit against Avenue Montaigne, Inc. You are receiving this notice as the Defendant.

Plaintiff alleges that you copied and displayed his copyrighted photographs without permission on your commercial website. Plaintiff is seeking monetary damages plus costs and attorney's fees. Plaintiff claims that you have received written notice of this lawsuit. You are receiving this notice because you have not answered or otherwise responded to the Court about the Plaintiff's allegations.

**If You Do Not Respond to the Lawsuit, A Judgment May Be Filed Against You**

Plaintiff has asked the Court to enter a default judgment in its favor against you. A default judgment is a final ruling in a case because a defendant has failed to take action. Plaintiff has asked the Court to conclude: (1) that you willfully failed to participate in this litigation; (2) that you have offered no meritorious defense and (3) that Plaintiff is entitled to an award of statutory damages and its costs and attorneys' fees. If you continue to fail to participate, the Court may grant Plaintiff's request and enter the default judgment against you.

A judgment is a public record with significant potential consequences against you, particularly if you do not pay the judgment. Plaintiff may use the following legal tools to ensure payment of an unpaid judgment: (1) attachment (a court order seizing property), (2) imposition of a lien (giving a legal right to one's property until a debt has been paid) or garnishment (ordering someone holding funds on behalf of a defendant, such as an employer or a bank, to pay debts directly to the Plaintiff to satisfy the judgment).

**You May Still Respond to the Lawsuit**

The Court has not granted the default judgment against you yet. You still have an opportunity to respond to the lawsuit. Enclosed is an order scheduling a hearing for **December 20, 2023 at 11:00 a.m. (Eastern Time)** to discuss Plaintiff's motion asking the Court to enter default judgment against you. The hearing will take place by Microsoft Teams. You may have a lawyer appear for you.

**Corporate Defendants**

Defendant is cautioned that corporate entities may appear in federal court only through licensed counsel, *see Lattanzio v. COMTA*, 481 F.3d 137, 140 (2d Cir. 2007), and where such an entity "repeatedly fails to appear by counsel, a default judgment may be entered against it," *Grace v. Bank Leumi Tr. Co. of N.Y.*, 443 F.3d 180, 192 (2d Cir. 2006) (internal quotation marks omitted).

**Opposition Requested**

As stated in the related Order issued today, you are directed to promptly notify the Court. If you choose to contact the Court or file an opposition, you may state whether you received notice about the lawsuit prior to this Notice, or your factual and legal objections to Plaintiff's claims. If you did not receive a copy of the complaint, you may request one from Plaintiff's lawyer, whose information is at the end of this Notice, or the Clerk of Court. If you

decide to contact the Court, you must do so by **November 28, 2023**. Any letter to the Court should clearly list the following case name and number: *Amanda Charchain v. Avenue Montaigne, Inc.*, et al, 23-cv-6945 (JGLC).

You can mail or deliver the letter to:

United States District Court for the Southern District of New York  
Attn: Clerk's Office / Judge Clarke  
500 Pearl Street  
New York, New York 10007

**Service**

It is further ORDERED that Plaintiff serve Defendant with (1) a copy of the motion for default judgment and all supporting papers; (2) a copy of this Order; and (3) a full docket sheet **within two business days of the filing of this Order**. Within **two business days of service**, Plaintiff must file proof of such service on the docket.

Dated: November 20, 2023  
New York, New York

SO ORDERED.

A handwritten signature in blue ink that reads "Jessica Clarke". The signature is written in a cursive, flowing style. Below the signature is a solid horizontal line.

JESSICA G. L. CLARKE  
United States District Judge

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